

Draft of 06.27.13

Chadds Ford Township  
Delaware County, PA

Board of Supervisors' Workshop  
Tuesday, June 4, 2013  
3:30PM

Officials Present:

Deb Love, Chair  
George Thorpe, Vice Chairman  
Keith Klaver, Supervisor  
Judy Lizza, Manager  
Craig Huffman, Chairman, Planning Commission  
Hugh Donaghue, Solicitor  
Joe Mastronardo, Engineer  
Barb Kearney, Building Inspector  
Matt DiFilippo, Secretary

Call to Order

Chair Love called the meeting to order at 3:30PM.

Approval of Minutes

Upon motion and second (Klaver/ Thorpe) the Workshop minutes of April 1<sup>st</sup> and April 29<sup>th</sup> (May) were approved.

Public Comment

Paul Koch, Baltimore Pike, commented on the Neighborhood Commercial Overlay regarding possible proposed uses, naming a number of uses including recreational and educational, and then asked if they were still the proposed uses adding that he didn't think it would be a positive outcome for Township residents.

Craig Huffman, Chairman, Township Planning Commission, and Engineer Mastronardo both responded in turn reporting that the proposed Neighborhood Overlay Ordinance was introduced by developer K. Hovnanian Homes, who wish to build a townhome residential community at Baltimore Pike and Brandywine Drive, and was reviewed by Ray Ott, Township Planner, and that everything regarding the proposed development and overlay was subject to discussion at the next Planning Commission meeting.

Rob Gurnee, 12 Top of the Oaks, asked whether or not any traffic studies or any discussions with the Township of Concord have been done or taken place pertaining to the proposed Woodlawn Trustees development along Smithbridge and Beaver Valley Roads, which is a development in

the Township of Concord neighboring Chadds Ford Township. He also asked about the Sub-Division and Land Development (SLDO) activity by Woodlawn Trustees pertaining to their property in Chadds Ford Township.

Chair Love responded that the Board has received information from all parties involved in the proposal, and Supervisor Klaver reported that the SLDO granted to Woodlawn Trustees in Chadds Ford Township was a lot line change and that Woodlawn agreed to keep their property in Chadds Ford Township as Open Space (CFT Resolution 2012 – 12). Engineer Mastronardo further clarified Woodlawn's SLDO in Chadds Ford Township.

Debbie Reardon, Chair, Township Open Space Committee, inquired about the status of the proposed Fee in Lieu Ordinance revisions and whether or not it has appeared for advertisement.

Chairman Huffman, Planning Commission, responded that the topic would be on the next Planning Commission agenda. Supervisor Klaver added that a recommendation to the Board was needed from the Planning Commission.

Frank Murphy, Marshall Road, asked whether or not Chadds Ford Township asked the Township of Concord for a traffic study related to the Woodlawn Trustees' proposed development neighboring Chadds Ford Township, and if the Township of Concord conducted any traffic studies pertaining to the proposed project.

Chair Love responded that the Board has not formally requested a study from the Township of Concord, but that the Board has asked Woodlawn Trustees.

Solicitor Donaghue reported that Woodlawn Trustees had withdrawn its application from the Township of Concord, and that they may re-submit in Fall 2013, and that he was not aware of any traffic studies being conducted.

Valerie Hoxter, Tax Collector, Painters Crossing, reported that she is recording the Workshop meeting.

Jim Crumbley, High Ridge Road, reported that PECO was installing two-way radio transmitters in residential meters to ease meter reading by PECO employees; however, he warned that it was a human health hazard because of the radio frequencies emitted and should be addressed.

### YMCA

YMCA – Brandywine Representative Denise Day along with colleagues Bob Adams, Esq., Jennifer Walsh, Traffic Engineer, and Chuck Olivo, Design Engineer presented and discussed their plans for a proposed YMCA at Hillman Drive.

Bob Adams, Esq., reported that traffic, economic and community studies have been done, which would show the benefits to the Township if a YMCA is built. He also said that their project would be on the next Township Planning Commission agenda. He also mentioned the proposed

Neighborhood Commercial Overlay Ordinance and how this would be necessary for the YMCA plan at Hillman Drive.

Chuck Olivo, Design Engineer, discussed the proposed two-story YMCA being designed for Henderson's currently vacant Lot 12. Access points, square footage (53,000 – 65,000), parking lot size (330 spaces), open space, setbacks, and impervious coverage (total: 61.2%, building and parking).

Chair Love confirmed with Engineer Olivo that the look and feel of the proposed Hillman Drive YMCA would be like the YMCA in Kennett Square before Kennett's additions.

Vice Chairman Thorpe asked Engineer Olivo if he has looked at plans for Henderson's Lot 12 pertaining to how the lot was originally planned for parking and landscaping, and that he remembers a number of restrictions including vegetation along the hill of the lot facing Dickinson Drive, as well as internally within the lot, snow disposal during the winter months, and a dedicated area for trash and recyclables.

Engineer Olivo responded that there is a plan to landscape the area facing Dickinson Drive, and that they do have a copy of the original recorded plans of Henderson's Lot 12 and will comply and take into consideration proper buffering and landscaping, that they would utilize some of the landscaping, internally, for stormwater management, and there would be a dedicated area for trash and recycle disposal.

Jennifer Walsh, Traffic Engineer, reported a traffic study comparing an office building versus a YMCA and concluded that a previously approved office building for Henderson's Lot 12 generated 150 trips in the morning and afternoon and that a YMCA would generate 108 trips in the morning and 146 trips in the afternoon. She also reported that daily trips to a YMCA may be higher but not during peak hours like that of an office building. She reported that her source was a trip generation manual that is a national document full of studies which is an industry standard for traffic engineers. She also said that she was using trip generation numbers approved in 1999.

Chair Love confirmed that Traffic Engineer Walsh was using trip generation numbers from a 1999 study when Henderson's Lot 12 was approved for development, and Supervisor Klaver asked if there was any weekend data and whether or not there could be an entrance off of Dickinson Drive. Supervisor Klaver also commented that in 1999 the Estates at Chadds Ford was not present and that a more updated traffic study is needed.

Engineer Walsh reported that there was no weekend data, and Engineer Olivo reported that the 1999 proposed development of Henderson's Lot 12 contrasts to the plans for the YMCA because the YMCA sketch proposes the building at the back of the lot and the parking lot in front. Engineer Olivo also stated that an entrance off of Hillman Drive was sufficient.

Engineer Mastronardo commented that since the plans and studies done in 1999 were approved than a 1999 traffic study is sufficient.

Denise Day, YMCA Representative, discussed the community impact of a YMCA in Chadds Ford. She emphasized YMCA's philosophy and gave some history about the YMCA – Brandywine Valley. She reported that the proposed Chadds Ford YMCA would be smaller than the YMCA in Kennett Square. She said that there would be no swim team at the Chadds Ford YMCA which would create less traffic and that there would be no childcare services besides babysitting services while parents are using the facilities. She said that there would be a family, warm-water pool, 1 ½ gyms, an exercise and Yoga room, and a community room which would allow for meeting space for local organizations such as HOA's and boy and girl scout troops. They would plan indoor camps and there would be no outdoor sports fields. She emphasized that a YMCA within a community increases quality of life and home values. She also mentioned that they would be tax-exempt, and that based on estimates provided by Henderson Group of comparable locations, the total annual tax for Chadds Ford Township for such a lot would be \$4,500. Also 250 people would be employed at the site.

Vice Chairman Thorpe asked if the 250 YMCA employees were considered in the traffic count. Denise Day responded that there would only be 7 full-time employees and the rest would be part-time employees working 2 – 4 hours shifts or less. Supervisor Klaver confirmed with YMCA Representative Day that the YMCA would be tax exempt and that the Township would not receive tax dollars.

#### Woodlawn Trustees

Vernon Green, Woodlawn Trustees Representative, discussed Woodlawn's goals for development in neighboring Township of Concord. He also reiterated what Engineer Mastronardo reported earlier in the meeting concerning the approved SLDO in Chadds Ford Township which better defines the Township lines between Concord and Chadds Ford.

Mr. Green explained Woodlawn's plans to conserve acres in Concord and Chadds Ford Township, and the dedication of the Delaware State National Park, the National Park Service's 408<sup>th</sup> Park. Specifically concerning Township of Concord property, Mr. Green reported that 325 acres would be re-zoned for development. Mr. Green stated that Woodlawn is a tax-paying organization and their mission is to preserve open space which is their goal in neighboring Concord; however, Woodlawn must develop some the land in order to raise funds to preserve the rest. Mr. Green reported that Woodlawn's plans have been withdrawn from the Township of Concord, but will be re-submitted in the Fall 2013, and that the developers involved understand Woodlawn's mission to preserve open space. Mr. Green detailed the proposed development as having 120 unit 55+ active adult community as well as 314 homes including single family residences, twins and chateaus. Supervisor Klaver and Chair Love both clarified with Mr. Green that plans have been withdrawn from the Township of Concord and that traffic studies would be conducted and provided to Chadds Ford Township.

### Bamboo Complaint

Dennis Quinn, 205 Ridge Road, reported a bamboo encroachment on his property measured at 180 feet, and that he has had to build a trench to stop the growth onto his property which cost him \$2,500. His neighbor has denied that it's his problem and has been hard to contact. Mr. Quinn discussed the bamboo's root system and its damaging effects to a septic system. He requested the Board to consider a Bamboo Ordinance.

### Comcast Contract

Solicitor Donaghue reported that he received a revised contract from Comcast today, June 4<sup>th</sup>, and that the contract will be on the June 5<sup>th</sup> Regular Meeting agenda for a Board vote. Chair Love, Vice Chairman Thorpe and Supervisor Klaver discussed fees, other municipalities who have joined the consortium and timeframes.

### Alternative Energy Ordinance

The Township Planning Commission has approved the Alternative Energy Ordinance and has asked the Board to consider authorizing advertisement in conjunction with the Woodburning Ordinance at the June 5<sup>th</sup> Regular Meeting.

Planning Commission Chairman Craig Huffman reported that the Planning Commission looked at the Ordinance extensively and also noted that if a resident is going to install a renewable energy system than they would have to do it through a Conditional Use Hearing and thus required to notify neighbors, which was one of the Board's concerns.

### LST & BPT Tax Collection

Solicitor Donaghue reported that Keystone Collections, the Township appointed collector for Local Services and Business Privilege taxes, suggested the Township go back three years instead of five years for unpaid Business Privilege tax collections, and none for the Local Services tax collections.

Solicitor Donaghue also said that collecting LST taxes could be problematic because the employer is responsible for collecting the tax, and the employee is responsible for paying it.

Supervisor Klaver noted that the Township should do the best to collect unpaid taxes from the beginning of 2007 because they are Township funds. He added that it is only fair to those who have paid, to collect from those who haven't paid. Supervisor Klaver also expressed an interest in the past collection agency, Berkheimer, offering an amnesty program in response to Solicitor Donaghue reporting Berkheimer would only attempt to collect unpaid taxes up to three years without any amnesty program.

Chair Love and Supervisor Klaver discussed burdens on the tax collector deciphering which businesses did not pay, Berkheimer offering an amnesty program to those businesses who did not pay BPT taxes, and businesses with financial difficulties who need to pay the tax and how far to

go back to collect previous years' unpaid BPT and LST taxes. Concurrence was made that the item will be on the June 5<sup>th</sup> Regular Meeting agenda.

#### Stonebridge – 681 Webb Road

There was discussion about 681 Webb Road being used for unauthorized commercial purposes and how the property owners have been notified in the past multiple times regarding the residential zoning of their property and allowed uses. The Board authorized Solicitor Donaghue to pursue injunctive relief, and the Building Code Officer to cite the homeowners.

#### 1810 Keystone Plaza – Pescatore's

Building Inspector and Zoning Officer Barb Kearney reported the unpermitted work at Pescatore's Restaurant located at 1810 Wilmington Pike, and how she issued a stop-work order at the site, but workers were still working. Manager Lizza noted that no Subdivision Land Development plan and application was ever submitted. Plans and application(s) are being requested from the owner for proper permits and authorization.

#### 2013 Road Program

Engineer Mastronardo reported that the lowest qualified bid for 2013 Road Program work was awarded to Alan Myers, and that A.F. Damon was the lowest bidder but unqualified because they didn't renew their PENNDOT prequalification. The majority of the 2013 roadwork is slated for Oakland Road.

#### 537 Plan

Engineer Mastronardo reported that the DEP approved the task activity report, cost and scope of work. Subsequently, the Township received inquiries from Pennsbury Township to be involved and Engineer Mastronardo recommend the Township move forward with the 537 Plan as it was submitted and approved and can always amend the report in the future to involve Pennsbury Township.

#### Property Maintenance Code

BCO Kearney introduced the idea to pass a Property Maintenance Code in the Township, which will deal with unsafe structures, fire inspections, residential Certificate of Occupancy inspections and possible abandoned or disabled motor-vehicles. Supervisor Klaver expressed an opinion that such a code could be too much government involvement for a small community and that the Township's Planning Commission needs to be involved.

#### Neighborhood Commercial Overlay Zoning District Ordinance

Planning Commission Chairman Craig Huffman formally introduced himself and reported that the Neighborhood Commercial Overlay Zoning District Ordinance would be discussed at the next Planning Commission Meeting and that the public was invited to attend. He gave a brief explanation of the inception of this proposed overlay and where it is at now and how it was necessary to reach out to all neighboring property owners.

Adjournment

Upon motion and second (Klaver/ Thorpe) the BOS unanimously adjourned the Workshop at 6:30PM.

Respectfully Submitted,

Matt DiFilippo  
Secretary